

Appendix L

Memorandum of Understanding

Memorandum of Agreement



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 27, 2010

City of Port St. Lucie
Roberta F. Richards
Manager, Engineer Operations
121 S.W. Port St. Lucie Blvd
Port St. Lucie, Florida 34984

RECEIVED

'APR 29 2010'

CITY OF PSL
ENGINEERING

RE: Memorandum of Understanding
City of Port St. Lucie/Department of Environmental Protection
Crosstown Parkway

Dear Ms. Richards:

Attached is a fully executed original of the Memorandum of Understanding (MOU) between the State of Florida Department of Environmental Protection and the City of Port St. Lucie. This MOU is for the Crosstown Parkway Extension Project, which includes a bridge across the North Fork St. Lucie River that will cross state-owned uplands in the Savannas Preserve State Park and/or the North Forest St. Lucie River Aquatic Preserve.

If you have any questions about the attachments, please do not hesitate to give me a call at 850.245.2731.

Sincerely,

Kime H. Landes
Bureau of Public Land Administration
Division of State Lands
Mail Station 130

Attachments

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this 26th day of April, 2010, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP") and the CITY OF PORT ST. LUCIE ("CITY").

WHEREAS, the CITY is currently pursuing the preparation of an Environmental Impact Statement ("EIS") and the issuance of a Conceptual Environmental Resource Permit ("Conceptual ERP") for the Crosstown Parkway Extension Project ("Crosstown Parkway Extension"), which includes the evaluation of a bridge across the North Fork St. Lucie River ("NFSLR") to complete a major east-west arterial extending from I-95 to US 1 in the City of Port St. Lucie; and

WHEREAS, the new bridge will require crossing state-owned uplands in the Savannas Preserve State Park ("State Park") and the North Fork St. Lucie River Aquatic Preserve ("Aquatic Preserve") and sovereignty lands; and

WHEREAS, DEP manages the State Park and the Aquatic Preserve; and

WHEREAS, the CITY is working on the EIS for the Crosstown Parkway Extension in cooperation with the Federal Highway Administration ("FHWA") and the State of Florida Department of Transportation ("FDOT"); and

WHEREAS, six build alternatives and a no-build alternative are being evaluated in the EIS, and selection of a preferred alternative will be made through the EIS process with FHWA's final approval; and

WHEREAS, the CITY's application for a Conceptual ERP is currently being processed by the South Florida Water Management District ("SFWMD") as suggested by DEP Secretary Michael W. Sole in a letter to Senator Ken Pruitt dated March 22, 2007 (Exhibit "A"); and

WHEREAS, to address the requirements of the Conceptual ERP, the CITY and SFWMD have agreed that SFWMD will review a hybrid corridor developed by the CITY that represents a composite of the greatest impacts from each of the six build alternatives being evaluated in the EIS and, in turn, the hybrid corridor will be used to define the impacts and regulatory mitigation requirements; and

WHEREAS, the CITY must obtain easements from the Governor and Cabinet who sit as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("TRUSTEES") for the use of state-owned uplands and sovereignty lands prior to the CITY's commencement of construction of the Crosstown Parkway Extension; and

WHEREAS, the Acquisition and Restoration Council ("ARC") is required to review the proposed easement over state-owned uplands and make a recommendation to the TRUSTEES; and

WHEREAS, the CITY and DEP have reviewed the impacts that may be created by the proposed hybrid corridor and have formulated and agreed to certain proprietary mitigation projects identified below for the impacts to state lands; and

WHEREAS, DEP and the CITY desire to enter into this MOU for the purpose of setting forth the responsibilities of the parties hereto regarding the Crosstown Parkway Extension.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY agrees as follows:

1. Because the Crosstown Parkway Extension will impact state lands, the CITY shall complete the following proprietary mitigation projects ("Proprietary Mitigation Projects"):

- A. **Water Quality Improvements:** The CITY agrees to complete four restoration projects as agreed upon by the CITY and DEP. The four restoration projects, outlined in the Aquatic Preserve Management Plan dated August 2009, are Evans Creek, Site 5 West, Riverplace Upstream, and Otter Trail. The location and information on the restoration projects are shown in the attached Exhibit "B." Although DEP prefers that the CITY implement the Roberts Upstream project (shown in Exhibit "C") as one of the four restoration projects, the project is on private property and may not be accessible. If the Roberts Upstream project can be implemented, the CITY will complete the Roberts Upstream project in place of the Otter Trail project.

The water quality improvements will be achieved by reconnecting oxbows and isolated floodplains and deepening the upstream and downstream ends of Evans Creek to improve flushing. Restoration efforts will include dredging shoals or berms, widening or deepening portions of the waterway, and other work identified by DEP and agreed upon by the CITY. The four restoration projects will be conducted under a single contract. The CITY will complete the four restoration projects to the satisfaction of DEP. The costs incurred by the CITY for the design, permitting, construction, and inspection of the four restoration projects shall not exceed \$2,000,000. If the cost is expected to exceed that amount, the CITY will work with DEP to identify a replacement project that will allow the total costs incurred to remain under \$2,000,000.

- B. **Land Acquisition:** The CITY agrees to purchase approximately 110 acres of wetlands and uplands and convey marketable fee simple title to the TRUSTEES subject only to such encumbrances as are acceptable to the TRUSTEES. The conveyance shall comply with the requirements of Rule 18-

1.013, Florida Administrative Code, and shall require that the property conveyed be in compliance with all state and federal laws concerning the emission, discharge, seepage, release or threatened release of any contaminant, solid waste, hazardous waste, pollutant, irritant, petroleum product, waste product, radioactive material, flammable or corrosive substance, carcinogen, explosive, polychlorinated biphenyl, asbestos, hazardous or toxic substance, material or waste of any kind into the environment. The CITY will enter into negotiations with the property owners in order of priority shown on Exhibit "D". Priorities 1 and 2 have been identified by DEP as the entire Evans property (Parcel ID: 3414-501-4005-000-1) shown in Exhibit "E," and the available undeveloped portions of the Wynne property (Parcel ID: 3427-111-0002-000-5) shown in Exhibit "F." The residents currently living on the Evans property may be granted a life estate as a condition of the sale, subject to the approval of the TRUSTEES. If the Evans and/or Wynne properties cannot be purchased, properties with similar vegetative communities and comparable appraised values will be purchased, as identified in the DEP letter dated May 2009 (Exhibit "G"). All land purchased by the CITY for the TRUSTEES will be enhanced through the removal of exotics for a consecutive period of 5 years after the CITY transfers the property to the TRUSTEES. Removal of exotics can be conducted through mechanical or chemical means from the ground, whichever is most cost-effective. The CITY is responsible for all costs associated with the acquisition and transfer of the property to the TRUSTEES, including, but not limited to, title insurance, survey, and environmental site assessments and cleanup. The costs incurred by the CITY for the removal of exotics and seasonal maintenance shall not exceed \$700,000 for the 5-year period. If the removal of exotics and maintenance of exotics is expected to exceed that amount, the scope of work for the removal and maintenance of exotics will be reduced so as not to exceed \$700,000.

- C. **Recreational Opportunities - Trails:** The CITY agrees to design, permit, construct and provide inspection services for the Savannas Recreation Area Trail (the "Trail") to the satisfaction of DEP and St. Lucie County. The Trail is located within the Savannas Recreation Area between Savannah Road and Midway Road (Exhibit "H"). The Trail is to be a paved multi-use trail approximately 2.5 miles long and a minimum width of 10 feet with five (5) boardwalk crossings over low, wet areas and drainage ditches with no appreciable elevation above the Trail surface. The Trail will serve as a segment within the East Coast Greenway, a multi-state trail that connects Calais, Maine, to Key West, Florida, and will also be a segment of the St. Lucie North-South Trail that connects to the Green River Parkway Trail. The costs incurred by the CITY for the design, permitting, construction, and inspection of the Trail shall not exceed \$1,500,000. If the cost is expected to exceed that amount, the scope of work for the trail project will be reduced so as not to exceed \$1,500,000.

- D. **Recreational Opportunities – Other:** The CITY agrees to construct three recreation projects identified by DEP and shown and outlined on the attached Exhibit “T” to the satisfaction of DEP. The three projects are referred to as the Halpatiokee Canoe Access Replacement, Improvements to Existing Savannas Preserve State Park Education Center, and Improvements to Savannas Preserve State Park Canoe/Kayak Launch. The costs incurred by the CITY for the design, permitting, construction, and inspection of the three recreational projects described below shall not exceed \$2,000,000. If the cost is expected to exceed that amount, the scope of work for the projects will be reduced so as not to exceed \$2,000,000.
- a. *Halpatiokee Canoe Access Replacement* consists of a new canoe and kayak launch south of the existing launch, a 200-foot boardwalk, pavilion, restroom, interpretive kiosk, paved parking for 20 vehicles, paved entrance road approximately 0.25 miles long, and road signage. The boardwalk will be 10 feet wide.
 - b. *Improvements to the Existing Savannas Preserve State Park Education Center* consists of a 3,000-square-foot addition to the existing structure for classrooms and a laboratory, and a 200-foot boardwalk with observation platform to replace the existing path. The boardwalk will be 6 feet wide. The CITY will not be responsible for providing any ADA upgrades to the existing facility.
 - c. *Improvements to Savannas Preserve State Park Canoe/Kayak Launch* consists of an entrance road, parking area, composting restroom, roadside information, and entrance signs.
2. The CITY is obligated to undertake the commitments set forth in this MOU only if a build alternative is approved by FHWA through the EIS process and all necessary permits required to authorize said alternative are granted. All work described herein will commence by the CITY immediately upon approval of the EIS by FHWA and receipt of any necessary permits for the Proprietary Mitigation Projects. With the exception of the exotic removal, the CITY will complete all of the Proprietary Mitigation Projects prior to the commencement of construction of the Crosstown Parkway Extension across the NFSLR.
 3. The CITY commits to the completion of the Proprietary Mitigation Projects regardless of which build alternative is chosen as the preferred alternative through the EIS process, even if the impacts from the preferred alternative are less than the proprietary mitigation stipulated in this MOU.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is expected that DEP would agree as follows:

1. On December 11, 2009, prior to the actual easement location being determined through the EIS process and FHWA approval, DEP took all six build alternatives (easements) that are depicted on Exhibit "J" to ARC for its review and recommendation to the TRUSTEES.
2. The easements granted by the TRUSTEES together with the environmental resource permit issued by SFWMD shall authorize the construction of the Crosstown Parkway Extension in its entirety, including the bridge, roadway and stormwater management facilities.
3. If the TRUSTEES grant the requested easements and concur with the Proprietary Mitigation Projects, the CITY will complete the Proprietary Mitigation Projects prior to commencement of construction of the Crosstown Parkway Extension across the NFSLR. If the TRUSTEES do not grant the easements, the CITY will not be required to complete the Proprietary Mitigation Projects.
4. The easements granted by the TRUSTEES will comply with all applicable statutory and administrative rule requirements and contain those general and special easement conditions that are approved by the TRUSTEES.
5. The term of the easement over sovereignty lands shall not exceed the life of the Crosstown Parkway Extension or amortization of the improvements. The term of the easement over state-owned uplands shall not exceed the existing or planned life cycle or amortization of the improvements, except the TRUSTEES may grant an easement in perpetuity if the improvement is a transportation facility.
6. Should the no-build alternative be selected as the preferred alternative, the CITY will not be required to complete the Proprietary Mitigation Projects, and the CITY will not require the easements.

The parties hereto have caused this MOU to be executed through their duly authorized signatories on the day and year first above written.

"DEP"

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By: 

Bob Ballard, Deputy Secretary, Land and Recreation

APPROVED AS TO FORM AND LEGALITY

By: 

Gary L. Heiser, DEP Attorney

Date: 4-13-16

"CITY"

CITY OF PORT ST. LUCIE

By: *Patricia P Christensen* (SEAL)

PATRICIA P CHRISTENSEN
Print/Type Name

Title: MAYOR
(OFFICIAL SEAL)





Exhibit "A", Page 1 of 3
Florida Department of
Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 22, 2007

The Honorable Ken Pruitt
President, The Florida Senate
Room 312, Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RECEIVED
MAR 23 2007
City Manager's Office

Dear Mr. President:

Over the last couple of years, the City of Port St. Lucie (City) and its consultants have conducted corridor studies for a third east-west crossing of the North Fork St. Lucie River and the surrounding public and private conservation lands. Throughout that process, the Department met several times with City officials, the City's consultants, the Florida Department of Transportation (FDOT), the Federal Highway Administration (FHWA), and other state and regional agencies to discuss concerns with the various alternative alignments proposed by the City.

Project Status

On August 16, 2006, FDOT posted the City's proposed alignments on FDOT's ETDM¹ website for review by federal, state and local agencies. That "programming" review was completed on October 1, 2006, when interagency team reviewers posted comments on the potential environmental impacts of three proposed alternatives on the St. Lucie River, the North Fork St. Lucie Aquatic Preserve, and the Savannas Preserve State Park. The Department, the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS) assigned a "dispute resolution" degree-of-effect (the highest level of concern available under ETDM review) on the following resource categories: Recreation Lands (public conservation lands), Secondary and Cumulative Effects, Water Quality and Quantity, Wetlands, and Wildlife and Habitat.

Under the ETDM process, when a reviewing agency assigns "dispute resolution" as its level-of-concern, the project cannot proceed to FDOT's Project Development Phase other than for the purpose of preparing technical studies and preliminary design work

¹ Efficient Transportation Decision Making.

"More Protection. Less Process"
www.dcp.state.fl.us

Exhibit "A", Page 2 of 3

The Honorable Ken Fruitt
March 22, 2007
Page Two

necessary to resolve the agencies' objections. On December 5, 2006, FDOT initiated an informal dispute resolution process at an interagency meeting in Port St. Lucie. At that meeting, the City's consultants presented a draft report on alignment alternatives, and the reviewing agencies described their concerns and requested additional information. On December 20, 2006, the City forwarded an update of the Crosstown Parkway Corridor Extension Alternatives Report to the FHWA, DEP, FWC and USFWS for review.

At the December 5th meeting, the City asserted that it had "reserved" bridge landing sites along the river when it conveyed certain conservation lands along the North Fork St. Lucie River to the Board of Trustees in 1992. DEP Division of State Lands' records indicate, however, that conveyance of the conservation lands was unconditional and unencumbered.

On February 27, 2007, FDOT advised the Department that the City has decided to pursue formal dispute resolution under ETDM, and that it would send an official notification of that election to the Department. To date, I have not yet received any such communication from the City. Under the ETDM manual, the next step in the formal dispute resolution process will be the preparation of positions papers by the City and reviewing agencies.

Proposed Alternative Approach

To address resource questions that arose during interagency review of the proposed alternative alignments, the Department suggests that the City consider applying for a Conceptual Approval Permit from the South Florida Water Management District - the agency having environmental resource permitting (ERP) jurisdiction for the project. While a conceptual approval does not authorize construction or operation of the project, it would provide resource agencies with technical data and analysis from which the agencies could determine whether the project is permissible. Until specific, detailed information is submitted to and reviewed by the resource agencies, they will not be able to definitively state whether any of the proposed alignments will be able to meet federal and state permitting requirements.

The application process for a conceptual permit is generally the same as the process for an individual ERP, except that it does not require the same detailed, signed-and-sealed engineering calculations and drawings, or environmental impact analysis necessary for an ERP. While the minute details of siting and mitigation would not be required until later in the project permitting process, the City would have to delineate wetlands and provide reasonable assurance that:

- All practicable impact avoidance and minimization options have been explored;
- Sufficient area is available for construction of the staging areas and stormwater treatment ponds;
- A public easement could be granted on state-owned uplands and sovereignty submerged lands; and
- The conceptual mitigation plan will offset the direct, secondary and cumulative impacts of the project.

Exhibit "A", Page 3 of 3

The Honorable Ken Pruitt

March 22, 2007

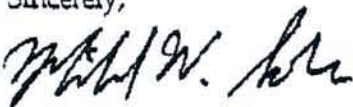
Page Three

The City would apply to the SFWMD for both the conceptual ERP and a sovereignty submerged lands (SSL) authorization at the same time (concurrent review). In addition, the City would also apply to the DEP Division of State Lands, Bureau of Public Land Administration for a public easement or lease over the Savannas Preserve State Park. As a major linear facility, the proposed easement or lease must be reviewed by the Acquisition and Restoration Council (ARC), which then issues a recommendation to the Board of Trustees (Governor and Cabinet), which makes the final decision on the granting of an easement or lease across state-owned submerged lands and uplands.

The end result of the conceptual approval process would be a conceptual permit (ERP) for siting the project and establishment of the basic regulatory requirements for future construction. The advantage of a conceptual ERP is that the City would not have to spend as much money up-front to determine whether the bridge is permissible. The disadvantage is that the City must thereafter obtain an individual ERP for the actual construction and operation of the project.

Regardless of the City's decision on whether to pursue formal dispute resolution under ETDM or submit an application for a conceptual approval permit, the Department remains available for further discussion of available options and alternatives.

Sincerely,



Michael W. Sole
Secretary

MWS/sm

cc: Stephanie Kopelousos, Interim DOT Secretary
Carol Wehle, Executive Director, South Florida Water Management District
Bob Ballard, DEP Deputy Secretary for Land and Recreation

Exhibit "B", Page 1 of 2
Proprietary Mitigation Water Quality Improvement Sites
Crosstown Parkway Extension

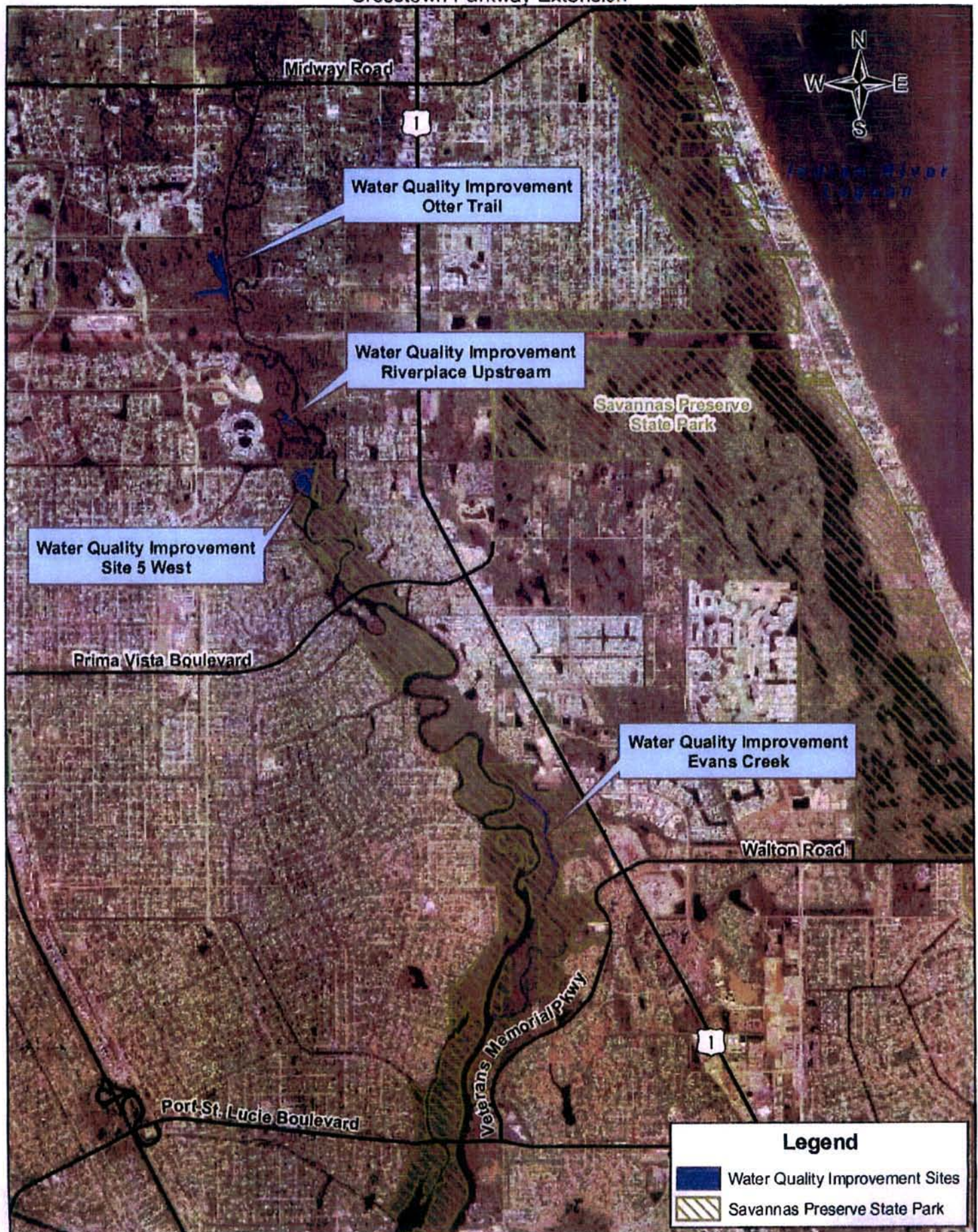


Exhibit "B", Page 2 of 2

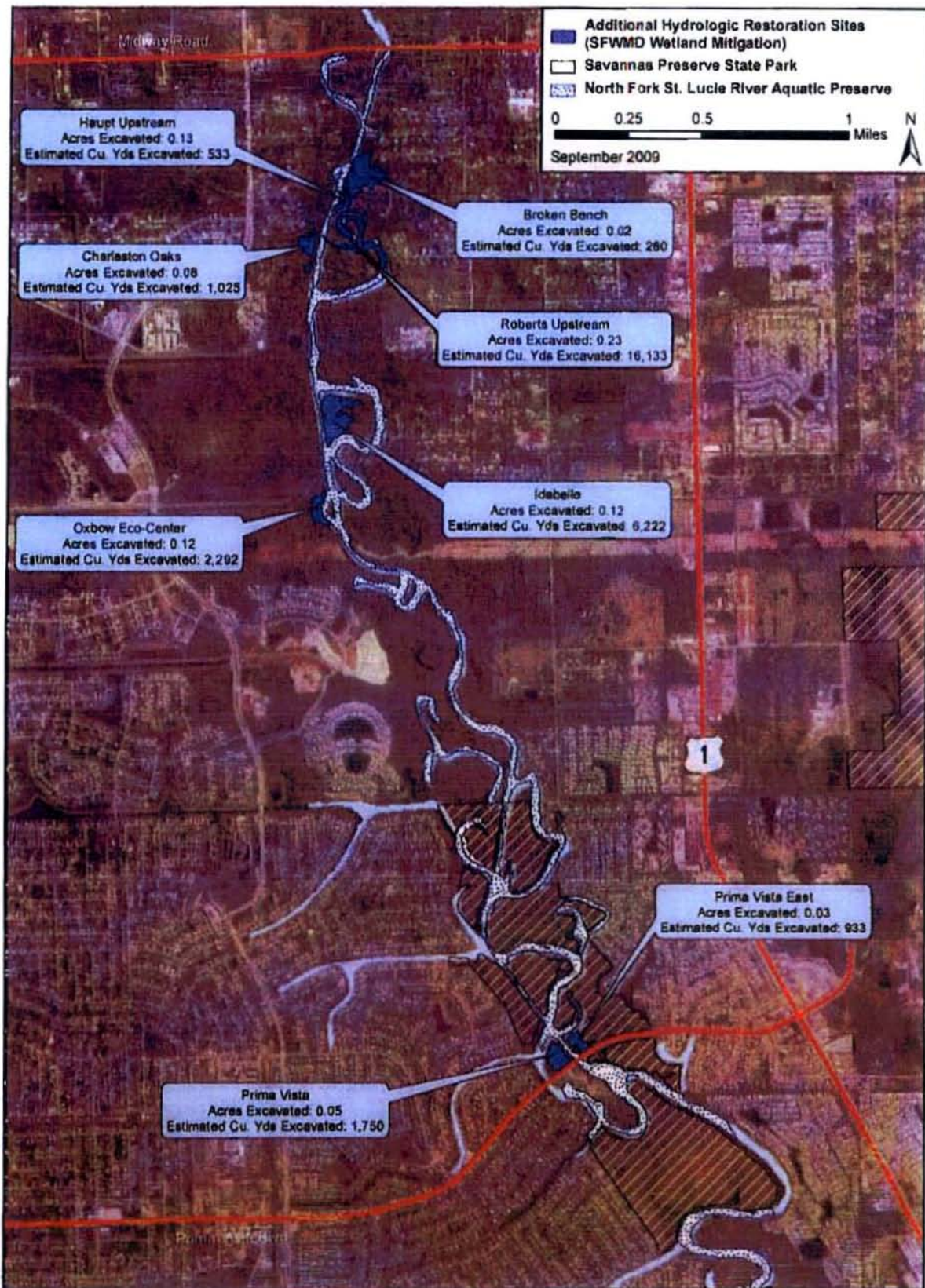
Crosstown Parkway Aquatic Preserve Mitigation and Public Interest Projects

Hydrologic Restoration Site	Land Owner	Acres Excavated	Open Water Acres Improved	Wetland Acres Reconnected	Estimated Cubic Yards Excavated
Evans Creek	Board of Trustees	2.26*	18.68	0.00	20,000
Site 5 West	Board of Trustees	0.13	1.83	9.74	3,667
Riverplace Upstream	River Place on the St. Lucie CDD	0.74	1.65	3.83	10,000
Otter Trail	SFWMD & City of Port St. Lucie	0.10	0.00	14.48	15,777
	Total	3.23	22.16	28.05	49,444.00

* Denotes Acres Dredged

Exhibit "C", Page 1 of 2

Florida Department of Environmental Protection Recommended Non-Proprietary Wetland Mitigation Options for Port St. Lucie's Proposed Crosstown Parkway Extension Project



Aquatic Preserves include all the state-owned submerged lands within their boundaries. This map is not intended for use in determination of wetlands or land ownership. Map produced by the Southeast Florida Aquatic Preserves Field Office, 3300 Lewis St., Ft. Pierce, Florida (772) 429-2995.

Exhibit "C", Page 2 of 2

Crosstown Parkway Non-Proprietary Wetland Mitigation Project Recommendations

Hydrologic Restoration Site	Land Owner	Acres Excavated	Open Water Acres Improved	Wetland Acres Reconnected	Estimated Cubic Yards Excavated
Broken Bench	Private with Confidential Listing	0.02	0.00	7.41	280
Haupt Upstream	Board of Trustees	0.13*	1.17	0.00	533
Roberts Upstream	Justine P. Roberts (Roberts Tree Farm) and Board of Trustees	0.23	5.35	0.00	16,133
Charleston Oaks	J. Hal Roberts Jr. & Janice P. Roberts and James P. Terpening, Jr. & Sherry Terpening	0.08	0.00	2.21	1,025
Idabelle	St. Lucie County	0.12	0.00	7.56	6,222
Oxbow Eco-Center	Port St. Lucie (west) and SPWMD (east) and Board of Trustees (SSL)	0.12	1.05	1.26	2,292
Prima Vista	St. Lucie County & Trust for Public Land	0.05	0.00	2.98	1,750
Prima Vista East	Board of Trustees	0.03	0.00	1.70	933
	Total	0.78	7.57	23.12	29,168.00

* Denotes Acres Dredged

Exhibit "D"
Proprietary Mitigation Land Acquisition Sites
Crosstown Parkway Extension

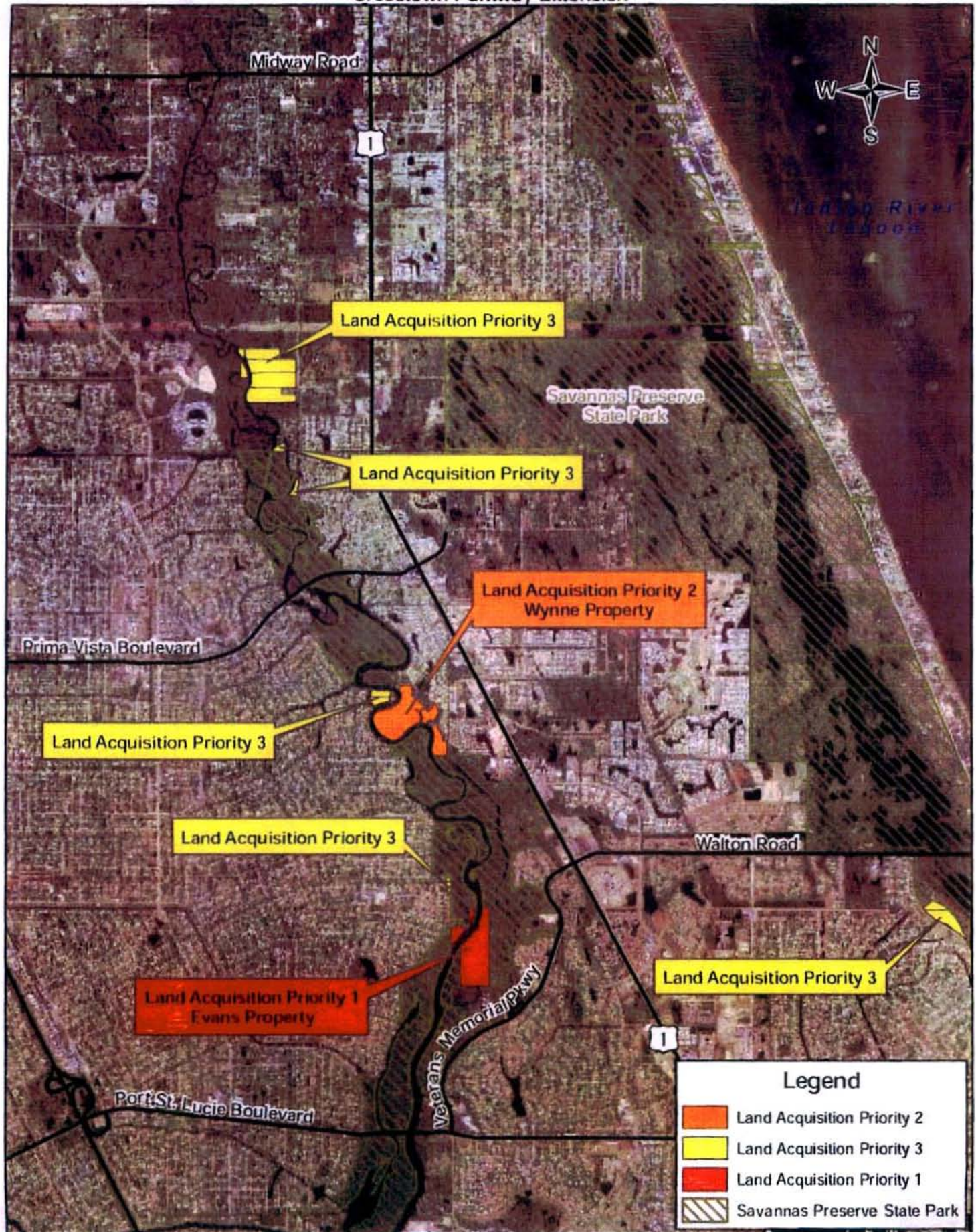


Exhibit "E"

de
Area

Evans Property
Parcel ID: 3414-501-4005-000-1
Total Acreage: 49.81 Acres

Residence

438
5.62 Acres
AA3

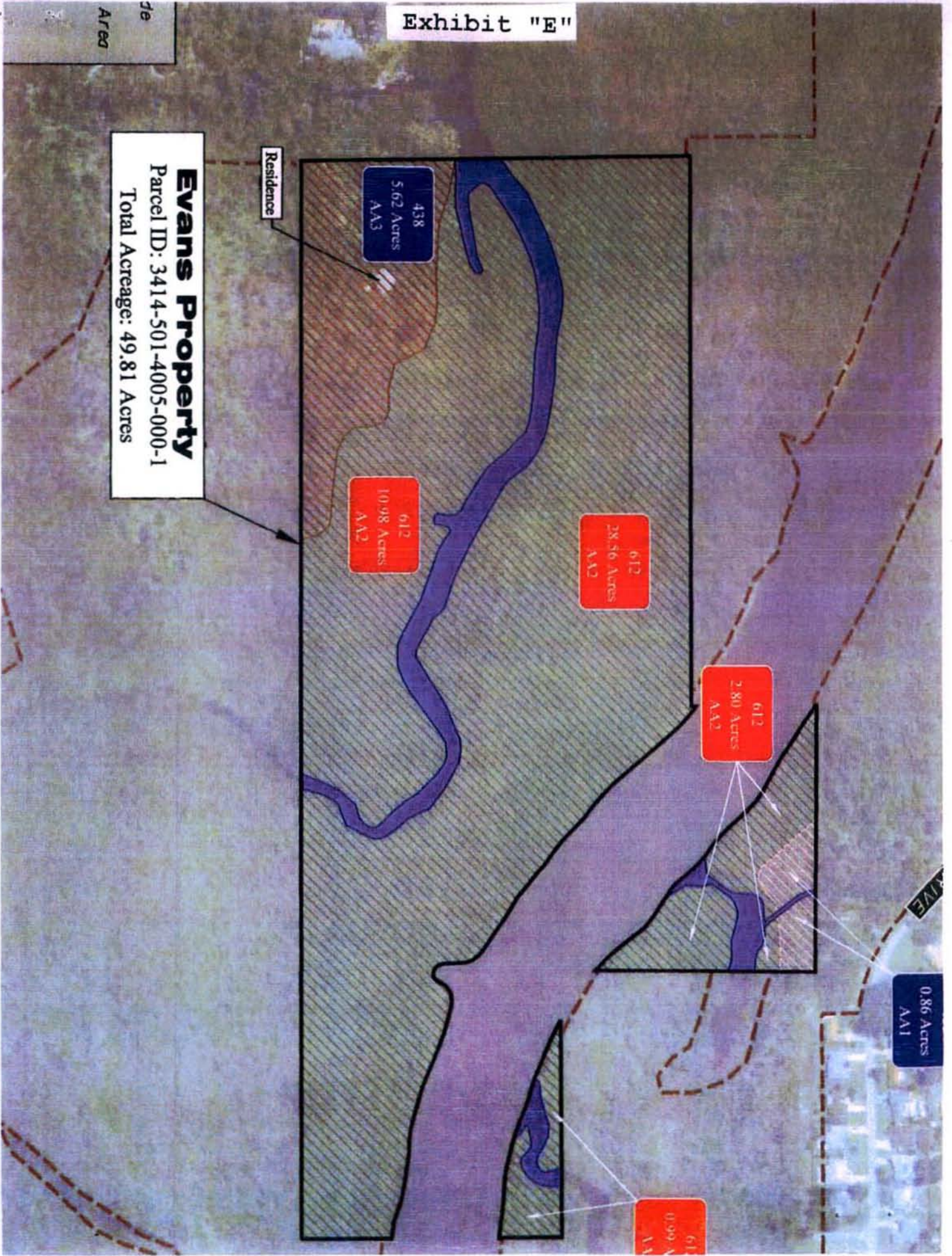
612
10.98 Acres
AA2

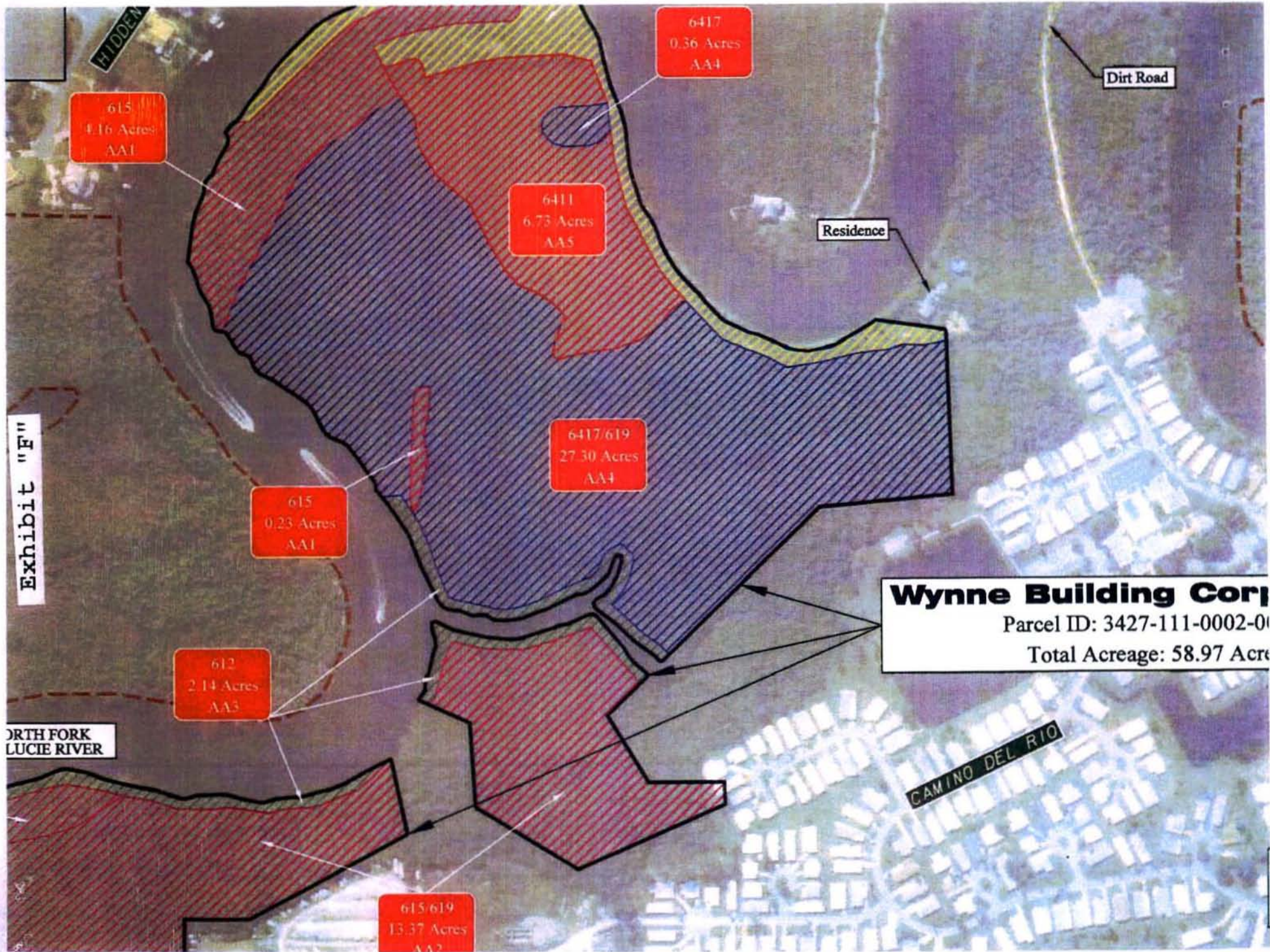
612
28.56 Acres
AA2

612
2.80 Acres
AA2

0.86 Acres
AA1

612
0.99 Acres
AA







Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 29, 2009

Via Electronic Mail

Mr. Walter B. England, P. E.
City Engineer
City of Port St. Lucie
121 S. W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

RE: Crosstown Parkway Extension
Mitigation for Impacts to State Lands

Dear Mr. England:

The Department would like to respond to your letter to Bob Ballard and me dated April 6, 2009. For your convenience, our comments will generally follow the order mentioned in your letter. As the City continues to refine information upon which the environmental impact statement and conceptual environmental resource permit will be based, the Department remains committed to providing the City with resource information and technical assistance.

As noted in your letter, the City of Port St. Lucie (City) is currently engaged in two ongoing efforts related to the construction of a third east-west crossing of the North Fork St. Lucie River:

- Compliance with the requirements of the National Environmental Policy Act (NEPA) and the directives of the Federal Highway Administration (FHWA), which include preparation of an environmental impact statement (EIS), and
- Obtaining a conceptual environmental resource permit (ERP) from the South Florida Water Management District (SFWMD or District).

As noted in your letter, the final bridge alignment will be determined through the NEPA process, and the City anticipates submitting a draft environmental impact statement to FHWA and the Florida State Clearinghouse for review by the end of 2009 or early 2010.

Mr. Walter B. England
City of Port St. Lucie
Page 2 of 2
May 29, 2009

The amount and location of "regulatory" mitigation required to offset environmental impacts of the project (*i.e.*, adverse impacts to wetlands and other surface waters) will be determined by the SFWMD during the conceptual permitting process. The City's application for authorization to use state-owned (sovereignty) submerged lands will also be processed by the District, concurrent with the conceptual ERP application. The final determination regarding use of state-owned lands (whether submerged or uplands) will be made by the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (the Board of Trustees).

The parties have also used the word "mitigation" to describe compensation that the City would have to pay to the state for converting the use of public lands to other uses, such as removing the public's access to and use of state-owned recreation lands that may be required for construction of the bridge. For purposes of clarity, the Department will hereafter use the phrase "proprietary mitigation" to describe potential actions or acquisitions that the City could provide to offset its proposed use of state-owned lands.

As mentioned above, the Board of Trustees will determine whether the City's proposed use of state-owned lands meets the requirements of law and, if so, the amount and location of proprietary mitigation required from the City.

With those distinctions in mind, the Department wishes to clarify the following statements contained in the first paragraph on page two of your April 6th letter:

Once all of the agencies agree on a mitigation plan for the impacts to state lands, this mitigation plan would be committed to by the City. If a build alternative is selected as the preferred alternative, the City would anticipate DEP's support for the issuance of the necessary easement to construct the preferred corridor alternative.

The phrase "mitigation plan for the impacts to state lands" refers only to the *proprietary* mitigation requirements for the project's conversion of state lands. It does not include *regulatory* mitigation required to offset environmental impacts. The City should prepare a proprietary mitigation plan for each alignment, because the acquisition or restoration projects to be used as proprietary mitigation should be tailored to the particular resources impacted by that alignment and located within the same management area.

Regarding the second statement, the Division of State Lands - as staff to the Acquisition and Restoration Council (ARC) and to the Board of Trustees - will gather information about the lease or easement being requested and provide it to those bodies. At this time, the Department has not yet been provided with all the information necessary to support the issuance or denial of an easement or lease of state-owned lands.

Mr. Walter B. England
City of Port St. Lucie
Page 3 of 3
May 29, 2009

The Bureau of Coastal and Aquatic Managed Areas (CAMA) has submitted a draft management plan for the North Fork St. Lucie River Aquatic Preserve to ARC staff for review; the draft plan will be presented to the ARC at its June meeting. A paper copy of the proposed management plan (dated April 9, 2009) was provided to the City in early April, receipt of which was acknowledged by the City at the April 16th monthly team meeting. The draft plan is also available at http://www.dep.state.fl.us/coastal/downloads/management_plans/aquatic/NorthFork_Draft_090409.pdf.

The City has asked the Department to provide a list of prioritized acquisition and restoration projects that could serve as potential proprietary mitigation sites for impacts to state lands. Attached please find a map depicting the location and ranking of three land acquisition "packages," as well as four of the highest priority hydrologic restoration sites within the North Fork St. Lucie River Aquatic Preserve. Detailed information collected at each of the four restoration sites (including photographs, LiDAR images and copies of field datasheets) is available from the Southeast Florida Aquatic Preserves Field Office upon request.

Of the three land acquisition packages, the highest priority is the Evans parcel, together with a small adjacent parcel to the south. The second land acquisition priority is the Wynne parcel, and the third is comprised of several smaller parcels that, collectively, would be as beneficial to the Department as the larger "cornerstone" parcels (colored orange on the attached map).

Although three land acquisition packages and four hydrologic restoration projects have been suggested by the Department, the City may be responsible for the purchase of additional parcels or for completing more than one hydrologic restoration project. The SFWMD has stated that the City will be responsible for mitigating the worst-case resource impact scenario as determined by data supplied for the conceptual permit, regardless of the corridor alignment chosen through the EIS process.

In addition to land acquisition and hydrologic restoration, the Department also requires removal of all non-native vegetation on parcels the City acquires as part of a proprietary mitigation plan. Each parcel acquired must be maintained in its enhanced state until the official transfer of management authority to the Savannas Preserve State Park.

With regard to the list of potential proprietary mitigation sites submitted with the City's letter, Department staff evaluated the location of the identified parcels, as well as other properties in the area that would facilitate natural resource protection and management. Sites that appear to be suitable for proprietary mitigation are shown on the attached map.

Exhibit "G", Page 4 of 5

Mr. Walter B. England
City of Port St. Lucie
Page 4 of 4
May 29, 2009

The following additional information is needed for each of the potential proprietary mitigation sites identified by the City's consultants in the April 6th letter:

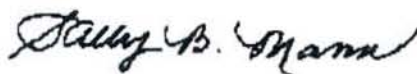
1. Total acreage of the parcel;
2. Delineation and calculated area of each natural area type;
3. Delineation, identification, and calculated area of non-native species; and
4. Identification and abundance of listed species located onsite.

Upon submission of that information, staff will ground-truth the parcels to confirm the information provided by the consultants and provide follow-up requests for any additional information that may be necessary.

The Division of State Lands does not have "a list of preferred restoration and enhancement projects" within the Savannas Preserve State Park or a "formula for determining secondary effects to state lands and for determining mitigation required for direct impacts to state lands."

Should you have any questions or require additional information, please do not hesitate to contact Deputy Secretary Ballard or me.

Best regards,

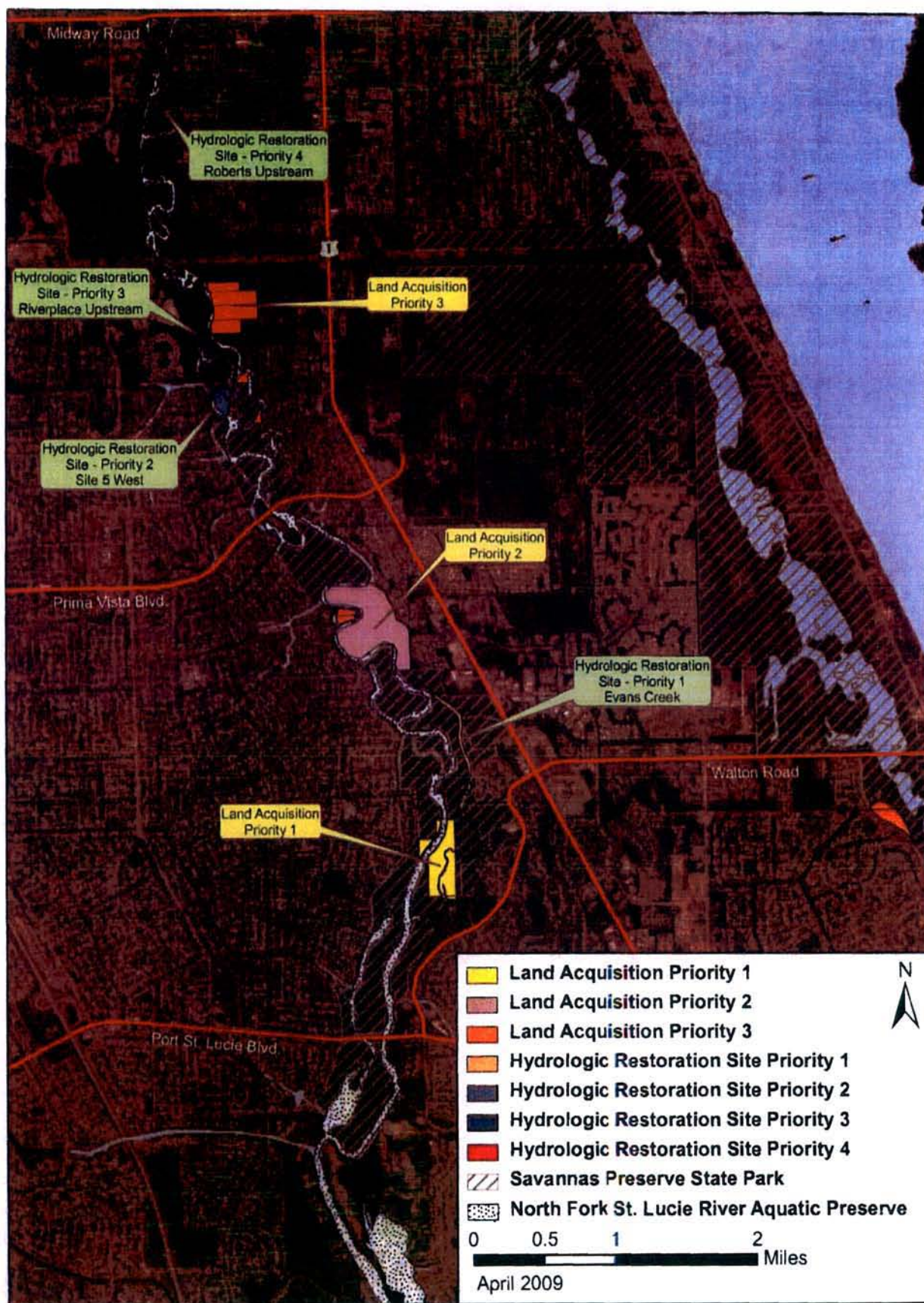


Sally B. Mann, Director
Office of Intergovernmental Programs

Enclosure

cc: Bob Ballard, Deputy Secretary for Lands and Recreation
Lee Edmiston, Director, Office of Coastal and Aquatic Managed Areas
Greg Brock, Division of State Lands
Albert Gregory, Office of Park Planning
Scott Woolam, Public Land Administration
Lauren Milligan, Office of Intergovernmental Programs
Laura Herran, North Fork St. Lucie River Aquatic Preserve
Dan Griffin, Savannas Preserve State Park
Paul Rice, Savannas Preserve State Park
Mindy Parrott, South Florida Water Management District

Florida Department of Environmental Protection Recommended Proprietary Mitigation Options for Port St. Lucie's Proposed Crosstown Parkway Extension Project



Crosstown Parkway Mitigation Project, Greenways and Trails

Provided by the *FDEP Office of Greenways & Trails* and staff of the *St. Lucie Urban Area Transportation Planning Organization*

Project Name

Savannas Recreation Area Trail

Project Location

Within Savannas Recreation Area (county owned park), between Savannah Road and Midway Road

Project Description

Paved multi-use trail (approximately 2.5 miles long) with 5 recreational bridges

Connectivity/Recreational Benefit

State and National: This multi-use trail is within Florida's planned Statewide Multi-Use Trail Network and will also serve as a segment within the East Coast Greenway, a multi-state trail that connects Calais, Maine to Key West, Florida

Local: The trail is a segment of the St. Lucie North-South Trail which connects to the Green River Parkway Trail

Estimated Cost for Construction

Paved trail based on approximately 2.5 miles x minimum 10 ft width = \$500,000 to \$750,000

5 recreational bridges/boardwalk based on 750 linear feet x 10 ft width = \$300,000 to \$375,000

Project Construction Total = Ranging from \$800,000 to \$1.125 million

Exhibit "H", Page 2 of 2
Proprietary Mitigation Recreational Opportunities - Trails
Crosstown Parkway Extension



Exhibit "I", Page 1 of 2

Port St. Lucie Crosstown Parkway
Potential Net Benefit Projects

Halpatiokee Canoe Access Replacement

Estimated Cost*

- Canoe/kayak launch
- Boardwalk (10 ft. x 200 ft.)
- Pavilion
- Restroom
- Interpretive kiosk
- Paved parking (20 vehicles)
- Paved road (0.25 mi.)
- Road signs

Subtotal \$430,000

Improvements to Existing Savannas Preserve State Park Education Center

Education Center Improvements

- Boardwalk to marsh (6 ft. x 200 ft.)
w/ observation platform
(replaces natural surface path for
improved accessibility) \$66,000
- Classroom and laboratory addition
to support existing demand for K-12 classes
with equipment and exhibits \$700,000

Subtotal \$766,000

Improvements to Savannas Preserve State Park Canoe/Kayak Launch

- Canoe/kayak launch road, parking, composting
restroom, roadside information and entrance signs

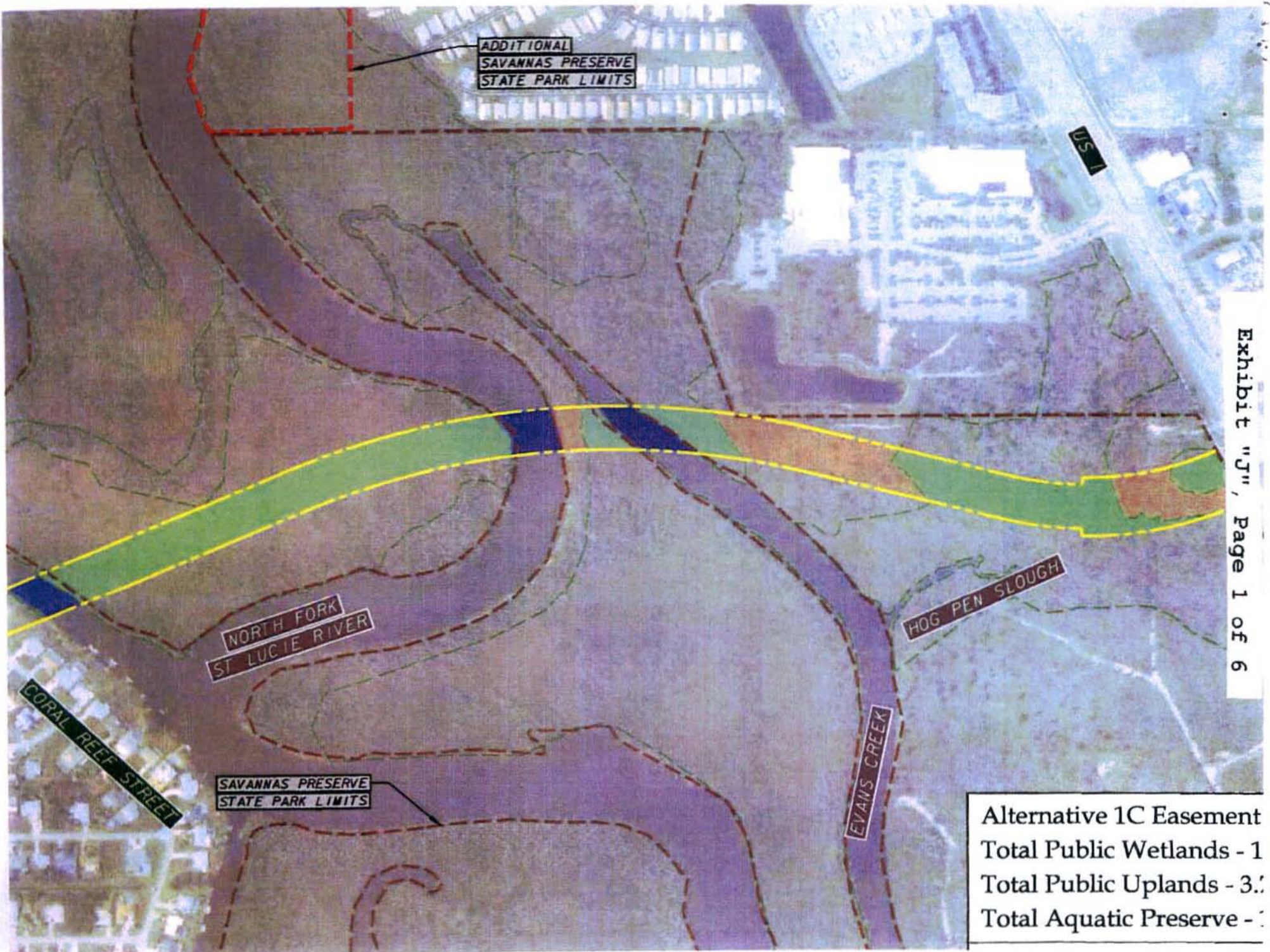
Subtotal \$265,000

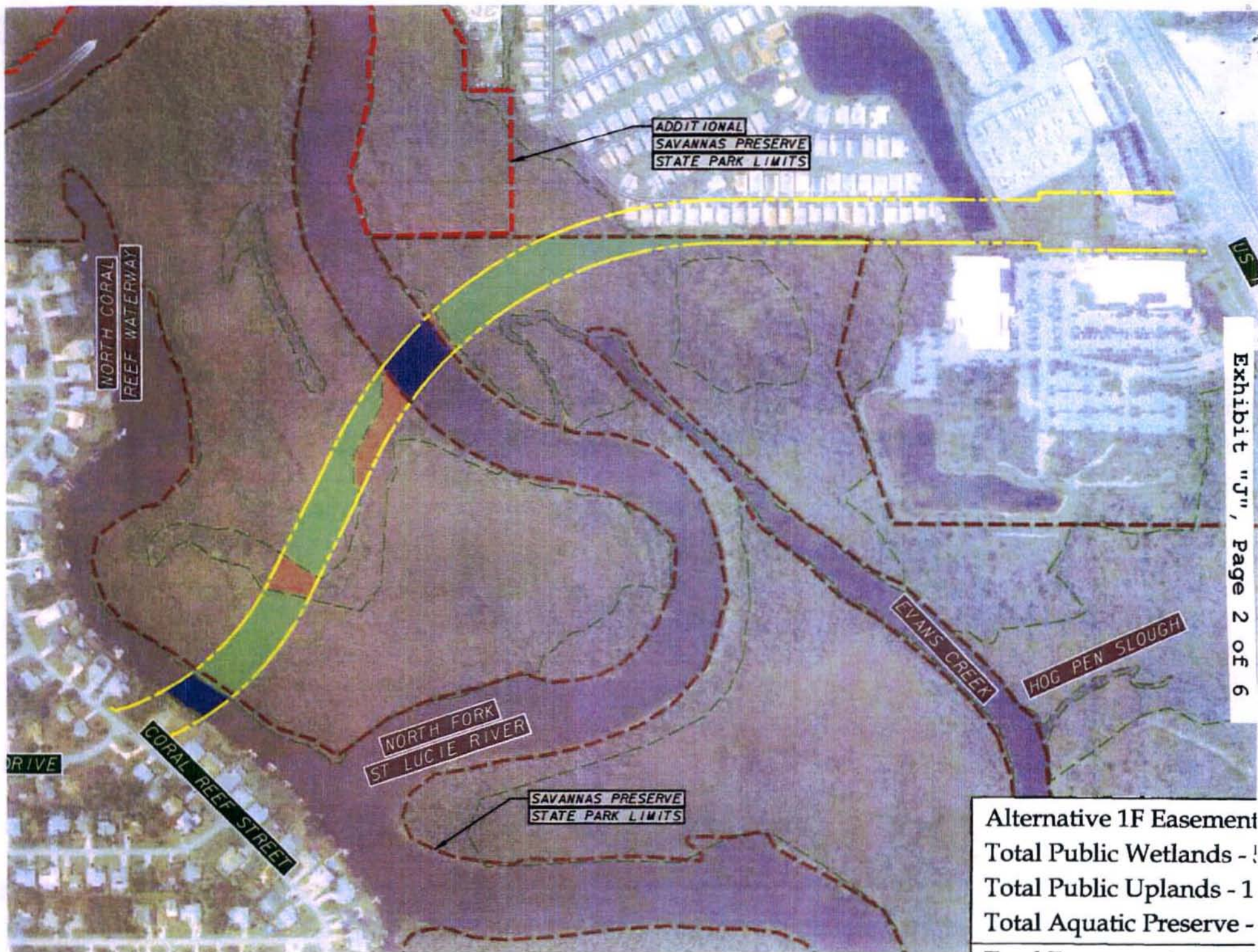
Total \$1,461,000

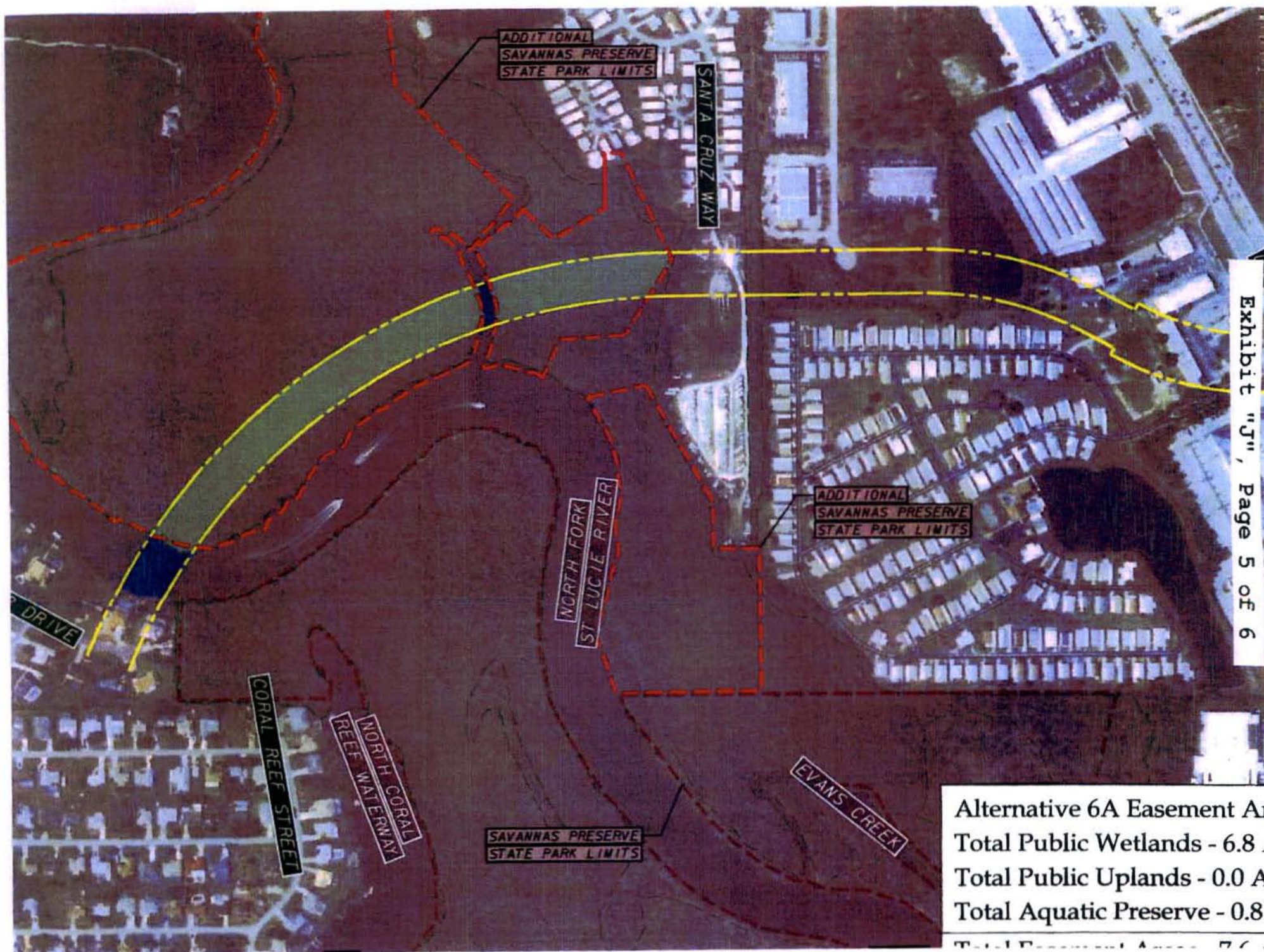
* Includes standard cost plus design and permitting costs and contingency

Exhibit "I", Page 2 of 2
Proprietary Mitigation Recreational Opportunities - Other
Crosstown Parkway Extension

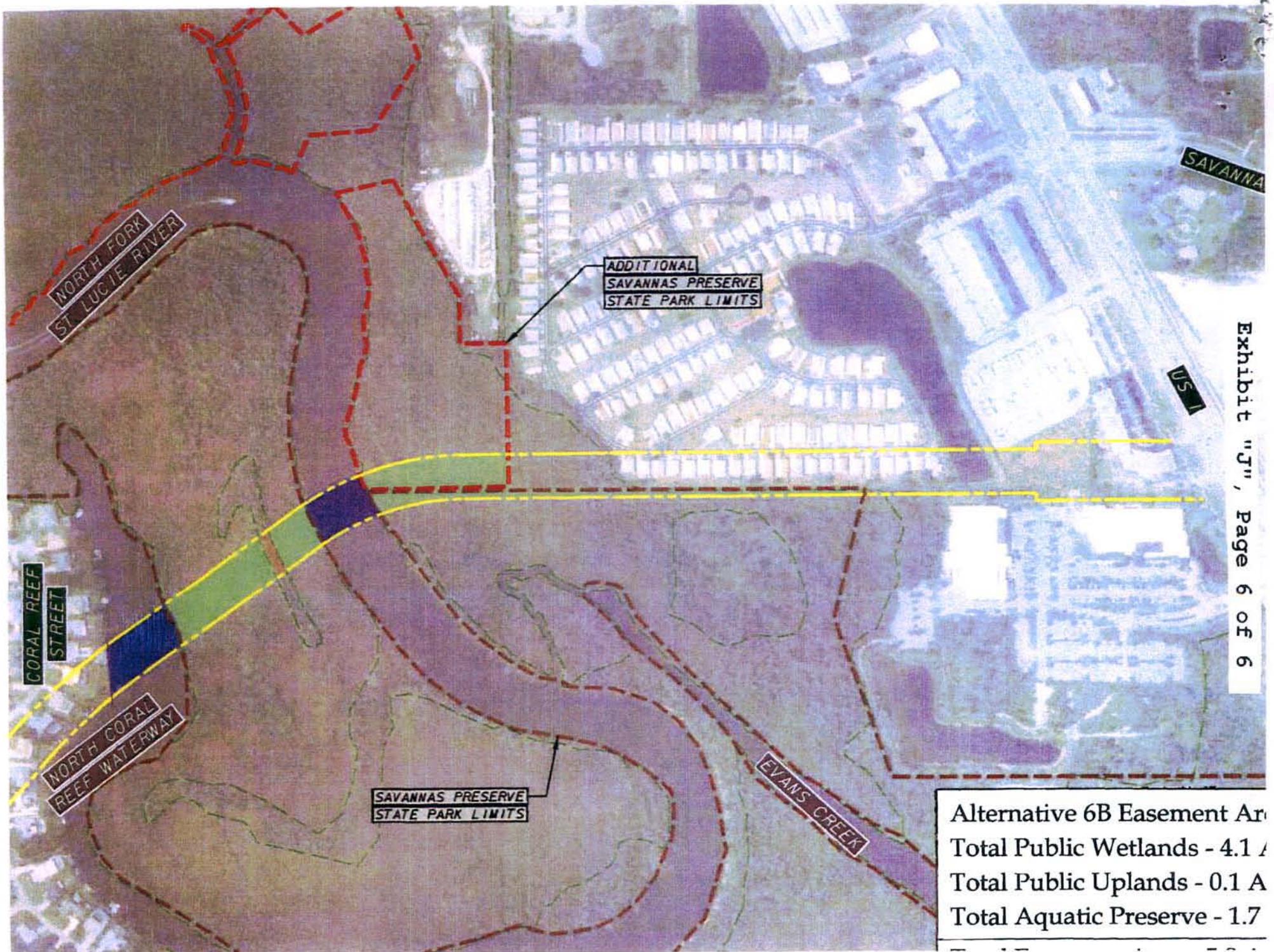








Alternative 6A Easement Area
Total Public Wetlands - 6.8
Total Public Uplands - 0.0
Total Aquatic Preserve - 0.8



Alternative 6B Easement Area
Total Public Wetlands - 4.1 A
Total Public Uplands - 0.1 A
Total Aquatic Preserve - 1.7

MEMORANDUM OF AGREEMENTJuly 11, 2010

C10-07-342

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into this 27th day of July, 2010, between the CITY OF PORT ST. LUCIE (CITY) and the COUNTY OF ST LUCIE (COUNTY).

WHEREAS, the CITY is pursuing a roadway connection between Manth Lane and US 1 known as the Crosstown Parkway Extension; and

WHEREAS, the CITY is working on the Environmental Impact Statement (EIS) for the Crosstown Parkway Extension in cooperation with the Federal Highway Administration (FHWA) and the State of Florida Department of Transportation (FDOT); and

WHEREAS, the EIS is evaluating six build alternatives and a no-build alternative for the Crosstown Parkway Extension and the ultimate selection of a preferred alternative will be made with FHWA's final approval; and

WHEREAS should a build alternative be selected, regulatory wetland mitigation (mitigation) will be required by both the South Florida Water Management District (SFWMD) and the United States Army Corps of Engineers (USACE); and

WHEREAS, pursuant to the requirements of the SFWMD Conceptual Environmental Resource Permit (ERP) the CITY has developed a hybrid corridor that represents a composite of the greatest impacts from each of the six build alternatives being evaluated in the EIS and, in turn, the hybrid corridor will be used to define the impacts and mitigation requirements; and

WHEREAS, the CITY proposes to develop a mitigation project to offset the impacts of the Crosstown Parkway Extension should a build alternative be selected via the EIS process; and

WHEREAS, a mitigation project needs to be selected, available, and permitted prior to the CITY's commencement of construction of the Crosstown Parkway Extension; and

WHEREAS, the COUNTY initiated the Platt's Creek Water Quality and Wetland Restoration Project (Platt's Creek Initiative) which, when complete, will provide water quality treatment for a 1,000+ acre drainage basin, eliminate agricultural runoff from 102 acres of active citrus groves directly adjacent to the North Fork of the St. Lucie River (NFSLR), restore/create 80+ acres of wetlands and habitat directly adjacent to Platt's Creek and the NFSLR, eliminate approximately 100 acres of developable land directly adjacent to the NFSLR, and provide natural storage and water purifying functions along the river's floodplain; and

WHEREAS, the COUNTY completed permit plans for the Platt's Creek Initiative; and

WHEREAS, a SFWMD ERP for the Platt's Creek Initiative was issued in April 2003 and the COUNTY received an extension for the permit in July 2008 for an additional five years (expires in July 2013); and

WHEREAS, the COUNTY submitted an application to the USACE, but a construction permit was never issued; and.

WHEREAS, the Platt's Creek Initiative is currently unfunded; however, the COUNTY is interested in moving this project forward; and

WHEREAS, based on discussions with the SFWMD and the USACE, mitigation credits associated with 41 acres of the Platt's Creek Wetland Restoration area appears to provide sufficient mitigation credits for the Crosstown Parkway Extension; and

WHEREAS, based upon discussions with the SFWMD and USACE, a permit modification to permit no. 56-00003-M with the SFWMD and a new permittee responsible permit with the USACE and corresponding mitigation plan for the Platt's Creek Initiative will create the appropriate instrument to allow the completion of the permitting, design, and construction of the Platt's Creek Initiative and provide sufficient mitigation credits for the Crosstown Parkway Extension should a build alternative be selected; and

WHEREAS, the CITY and the COUNTY desire to enter into this MOA for the purpose of setting forth the responsibilities of the parties regarding the implementation of the Platt's Creek Initiative and mitigation credits for the Crosstown Parkway Extension should a build alternative be selected.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY agrees as follows to:

1. Manage, design, permit, and construct the Platt's Creek Initiative as set out in the construction plans submitted with the ERP. The construction plans were completed by Hazen and Sawyer, Environmental Engineers and Scientists, dated August 2001 and modified in March 2008 as provided in Exhibit A.
2. Manage and develop the permittee responsible permit application and mitigation plan for the USACE by submitting a new permit application based largely on the previous mitigation bank application prepared by the COUNTY. The CITY will be responsible for paying the permit and consultant fees to complete this work.
3. Manage and develop the permit modification to permit no. 56-00003-M as a permittee responsible offsite mitigation area for the SFWMD. The CITY will be responsible for paying the permit and consultant fees to complete this work.
4. Contribute the necessary effort to advertise, bid, manage, construct and pay up to \$2,000,000 for the construction of the Platt's Creek Initiative.
5. Require the contractor(s) to provide bonds and insurance that meet the COUNTY's requirements, including repair or replacement of damage to county property and facilities resulting from contractor's activities.
6. Provide a mechanism in the contract that will allow the modification of the scope to reduce costs in the event that the construction costs exceed \$2,000,000. The

modified/reduced scope, as determined by SFWMD and USACE, shall not lessen the credits below those required for Crosstown Parkway Extension project mitigation available to the CITY.

7. Work with the COUNTY to ensure any construction deficiencies identified during the warrantee period are corrected which could result in the COUNTY's inability to maintain the site pursuant to SFWMD standards
8. Undertake the commitments set forth in this MOA only if a build alternative is approved by FHWA through the EIS process.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the COUNTY agrees as follows to:

1. Provide assistance to the CITY during the design, permitting, and construction phases of the Platt's Creek Initiative to ensure the project are implemented to COUNTY's satisfaction.
2. Provide access to the property for CITY and their consultants/contractors for planning, design, and construction purposes.
3. Provide, in a timely manner, information requested by the CITY for the development of the permittee responsible permit and mitigation plan.
4. Provide review and approval of the design and permit conditions of the Platt's Creek initiative prior to the onset of construction.
5. Commit to lessening the scope of the project if construction costs are greater than \$2,000,000
6. Provide necessary documentation to insure that the COUNTY will fund and provide maintenance and monitoring of the site as specified in the permits.
7. Allocate mitigation credits associated with 41 acres of the wetland mitigation area to the CITY to be used towards the regulatory wetland mitigation for the Crosstown Parkway Extension should a build alternative be selected.
8. Enter discussions with the CITY to allocate more credits to the Crosstown Parkway Extension project should it be determined during the permitting process that more mitigation credits are required to offset impacts.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY and COUNTY agree as follows:

1. The CITY and the COUNTY will serve as a joint permittee for the Platt's Creek Initiative with each party being responsible for the items outlined previously. The City Engineer and the County Public Works Director are designated as the CITY and COUNTY project coordinators.

2. The agreement set forth in this MOA is contingent upon the SFWMD and USACE accepting the prepared mitigation plan and allocating mitigation credits associated with 41 acres of the Platt's Creek Initiative as the regulatory wetland mitigation for the construction of the Crosstown Parkway Extension should a build alternative be selected.
3. The agreement set forth in this MOA is contingent upon the SFWMD and USACE allowing the COUNTY to use the remainder of the mitigation credits towards future projects to be completed at an unspecified time.
4. The COUNTY and/or CITY reserve(s) the right to terminate this MOA if the project does not proceed in a timely manner due to a lack of approvals on the EIS from FHWA. Construction is expected to begin within three years of permit approval and to be completed within five years.
5. The CITY reserves the right to terminate this MOA if the no build alternative is selected by the FHWA through the EIS process for the Crosstown Parkway Extension.

The parties hereto have caused this MOA to be executed through their duly authorized signatories on the day and year first above written.

"CITY"

CITY OF PORT ST. LUCIE

By: Patricia P. Christensen (SEAL)

Patricia P. Christensen

Print/Type Name

Title: Mayor

(OFFICIAL SEAL)

"COUNTY"

COUNTY OF ST. LUCIE, FLORIDA

By: Charles Grande (SEAL)

Charles Grande

Print/Type Name

Title: Chairman

(OFFICIAL SEAL)

ATTEST:

DEPUTY CLERK

APPROVED AS TO FORM
AND CORRECTNESS

COUNTY ATTORNEY